

## **Exhibit 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Texas Association for the Rights of the	§	
Unemployed, Kathryn Kawazoe,	§	
Stephanie Stout, Kimberly Hartman,	§	
Charles Harmon, and Jesus Duarte,	§	
	§	
<i>Plaintiffs,</i>	§	Civil Action No. 1:22-cv-00417
	§	
v.	§	
	§	
Ed Serna, Executive Director, Texas	§	
Workforce Commission, in his official	§	
capacity	§	
	§	
<i>Defendant.</i>	§	

**AFFIDAVIT OF CORRA DUNIGAN**

BEFORE ME, the undersigned authority, personally appeared Corra Dunigan, a person made known to me, who, being by me duly sworn, deposes as follows:

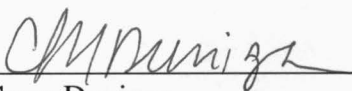
1. “My name is Corra Dunigan, and I am an Assistant General Counsel of the Texas Workforce Commission (“TWC”). I am over the age of twenty-one (21), of sound mind and capable of making this affidavit, and have personal knowledge of each fact stated herein. Each fact stated in this affidavit is true and correct.
2. As part of my responsibilities in the Office of General Counsel for TWC, I serve as TWC’s liaison to the Office of Attorney General (OAG) for litigation matters.
3. I regularly assist the OAG with all aspects of litigation by facilitating responses to Complaints filed against TWC, responding to discovery requests throughout the pendency of litigation, participating in depositions, and coordinating with TWC staff to respond to discovery requests.
4. I have reviewed Plaintiff’s Second Request for Production (RFP) to Defendant Ed Serna, Plaintiff’s Discovery Conference Letter, and Plaintiff’s Notice of Deposition pursuant to Rule 30(b)(6) filed on February 10, 2023.
5. I shared these documents with TWC staff who I believe would have the relevant knowledge to respond to Plaintiff’s RFP and Notice of Deposition. Additionally, I asked these staff members to calculate the time it would take to respond to the RFP and topics raised in the Notice of Deposition, and to calculate the associated staff costs to respond.
6. Collectively, TWC staff spent approximately 17 hours reviewing the RFP and topics raised in the Notice of Deposition, to ultimately conclude that requests made were overly broad,

incomprehensible and would present a tremendous burden related to staff time and costs-so high in fact, that it would be incalculable (even if the requests were clarified and ultimately understood by staff). Additionally, it was determined that even if TWC were to understand and respond to these topics, it would require at least 3 different staff members to be deposed given the broad subject matter raised.

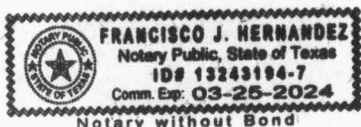
7. Further, The Unemployment Insurance Administrative Grant that TWC receives from the United States Department of Labor (USDOL) pays for the activities of several TWC divisions, including but not limited to Unemployment Insurance, Fraud Deterrence and Compliance Monitoring, and Informational Technology. This grant is intended to fund the State's efforts to operate an unemployment insurance system designed to pay benefits when due. Expenses associated with this litigation would not likely align with that intent and could potentially result in USDOL disallowing the costs which the State would have to re-pay through non-federal funds. The relevant provisions from the guiding regulations that speak to this are: 2 CFR § 200.403, 2 CFR § 200.404, and 2 CFR § 200.435.

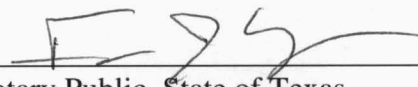
8. In a good faith attempt to demonstrate how Plaintiffs' claims are not only moot, but that the general complaints they have raised outside of their First Amended Complaint are satisfied by current TWC policies and programs, the TWC produced three Unemployment Insurance (UI) executives for a remote meeting via videoconferencing software with opposing counsel, to speak about the current UI programs and systems, including plans for future improvements. TWC availed these executives to answer any question brought by opposing counsel, which they did.

Further affiant sayeth not."

  
Corra Dunigan

SUBSCRIBED and SWORN TO this 29<sup>th</sup> day of March, 2023 by Corra Dunigan.



  
Notary Public, State of Texas  
Francisco J. Hernandez  
my commission ends 3/25/2024